

SENATE BILL REPORT

SB 6602

As Reported By Senate Committee On:
Judiciary, February 6, 2002

Title: An act relating to extortion in the second degree.

Brief Description: Revising the crime of extortion in the second degree.

Sponsors: Senators Costa, Long, Poulsen and Kastama.

Brief History:

Committee Activity: Judiciary: 2/5/02, 2/6/02 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 6602 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Hargrove, Johnson, Long, McCaslin, Poulsen, Roach, Thibaudeau and Zarelli.

Staff: Lidia Mori (786-7755)

Background: Extortion is defined in current statute as knowingly obtaining or attempting to obtain by threat the property or services of the owner, and specifically includes sexual favors. A person is guilty of extortion in the second degree if he or she commits extortion by means of a threat as defined in Washington statute.

A recent Washington Court of Appeals case, *State v. Pauling*, invalidated Washington's extortion statute. The court held "a statute that defines the word 'threat' to include the communication of information that is not inherently wrong or unlawful sweeps too broadly to withstand constitutional challenge." It found Washington's extortion statute to be overbroad because it is not restricted to wrongful threats and does not include any defenses that would limit its application.

Summary of Substitute Bill: A person commits extortion in the second degree when he or she commits extortion (knowingly obtaining or attempting to obtain by threat the property or services of the owner) by means of a wrongful threat.

Substitute Bill Compared to Original Bill: The original bill was not considered.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill is in response to a Washington Court of Appeals case. The bill will tighten the extortion in the second degree statute so it will be constitutional.

Testimony Against: None.

Testified: Tom McBride, WA Assn. of Prosecuting Attorneys (pro).